

Damage calculations - For Settlement purposes Only

Sophia Samuels												
Pay period From - To		No. of Weeks in Pay Period	Hours per week in period	Weekly Wages Received (approximate)	Overtime rate @ 1.5 * regular rate	Overtime wages owed in period	Spread of Hour Shifts per Week	Minimum Wage in Period	Spread of Hours Owed	Liquidated damages (NYLL § 198)	NYLL Prejudgment Interest (9%)	TOTAL AMOUNT DUE
3/15/2016	8/31/2016	24	62	\$ 500.00	\$ 18.75	\$ 9,900.00	5	\$ 9.00	\$ 1,080.00	\$ 10,980.00	\$ 2,968.73	\$ 24,928.73
9/1/2016	12/30/2016	17	62	\$ 550.00	\$ 20.63	\$ 7,713.75	5	\$ 9.00	\$ 765.00	\$ 8,478.75	\$ 1,932.32	\$ 18,889.82
12/31/2016	8/31/2017	34	62	\$ 550.00	\$ 20.63	\$ 15,427.50	5	\$ 10.50	\$ 1,785.00	\$ 17,212.50	\$ 3,017.22	\$ 37,442.22
9/1/2017	12/30/2017	17	62	\$ 725.00	\$ 27.19	\$ 10,168.13	5	\$ 10.50	\$ 892.50	\$ 11,060.63	\$ 1,399.33	\$ 23,520.58
12/31/2017	10/31/2018	43	62	\$ 725.00	\$ 27.19	\$ 25,719.38	5	\$ 12.00	\$ 2,580.00	\$ 28,299.38	\$ 2,002.18	\$ 58,600.93
11/1/2018	12/30/2018	8	50	\$ 725.00	\$ 27.19	\$ 2,175.00	4	\$ 12.00	\$ 384.00	\$ 2,559.00	\$ 66.53	\$ 5,184.53
12/31/2018	1/7/2019	1	50	\$ 725.00	\$ 27.19	\$ 271.88	4	\$ 13.50	\$ 54.00	\$ 325.88	\$ 5.78	\$ 657.53
Unpaid wages, liquidated damages & interest:						\$ 71,375.63			\$ 7,540.50	\$ 78,916.13	\$ 11,392.10	\$ 169,224.35
Failure to procure a signed acknowledgment of wage rate pursuant to NYLL § 195(1)											\$	5,000.00
Failure to provide accurate wage statements pursuant to NYLL § 195(3)											\$	5,000.00
Attorney's Fees												TBD
Court Expenses												TBD
Total Damages Due:											\$	179,224.35

*Numbers are a good faith estimate based on Plaintiff's recollection

**This damages chart is based upon preliminary information and the expected testimony of Plaintiff and was prepared without the benefit of Defendants' required wage and hour records under the FLSA and NYLL. Plaintiff reserves the right to revise, supplement or amend this chart.

*** Overtime is calculated as one and one-half times the employee's regular hourly rate for each hour the employee works in excess of 40 hours in a given workweek. 29 U.S.C. § 207(2)(C). There is a "presumption that a weekly salary represents compensation for the first 40 hours of an employee's workweek". See *Berrios v. Nicholas Zito Racing Stable, Inc.* , 849 F.Supp.2d 372, 395 (E.D.N.Y.2012). See further *Guallpa v. NY Pro Signs Inc.* , Index No. 11-cv-3133(LGS), 2014 (Defendants cannot rebut the presumption by showing that there was an agreement between a Plaintiff and Defendant that the Plaintiff would receive pay that was below minimum wage).